IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 778/2004

GOPAL LAL SHARMA & ORS. Vs. STATE OF RAJASTHAN

Date of order: 22.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Biri Singh with
Mr. Kamlendra Sihag for the accused-petitioners.
Mr. Ashwini Kumar Sharma, PP for the State.

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The instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioners against the order dated 13.08.2004 passed by the Additional Sessions Judge (Fast Track) No.1, Jaipur District, Jaipur in Sessions Case No. 113/2003, whereby charges have been framed against the accused-petitioners for the offence under Sections 147, 148, 447, 323 and 307/149 IPC observing that prima-facie case is made out against the petitioners under the aforesaid offences.

It is alleged by the learned counsel for the accused-petitioners that medical opinion has been shown after two months of the incident and in the report it was indicated that there was depressed fracture on the head which is dangerous to life, therefore, offence

under Section 307/149 IPC is made out. He further submits that initially there was no indication of fracture and subsequently the report was obtained from the Radiologist, therefore, charge for the offence under Section 307/149 IPC is not made out against the accused-petitioners.

Having heard learned counsel for the accused-petitioners, learned Pubic Prosecutor for the State and upon careful perusal of the order impugned dated 13.08.2004 passed by the Court below, I find no illegality or error apparent on the face of the record as the opinion is expressed by the Radiologist that depressed fracture on head is found which is dangerous to life, therefore, prima-facie case for the offence under Section 307/149 IPC is made out against the accused-petitioners. No interference whatsoever is required by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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